

W. Va., alleging that the product had been shipped from the State of Ohio into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Kanawha brand selected rice,—Lewis, Hubbard & Company, distributors, Charleston, W. Va.,—Insist on having Kanawha brand rice,—The purchaser of this package insures to the consumer an ever uniform quality,—Kanawha rice."

Misbranding of the product was alleged in the libel for the reason that the said cases did not contain rice as the label and markings thereon would indicate, but contained a product that was coated with glucose and talc, and said branding and markings on the cases were misleading and false so as to deceive and mislead the purchaser.

On December 11, 1911, the said Lewis, Hubbard & Co., claimant, having paid the costs of the proceedings and executed bond in the sum of \$1,000 in conformity with section 10 of the act, it was ordered by the court that the product be delivered to said claimant and that the proceeding be dismissed.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 3, 1914.*

2814. Misbranding of lithia water. U. S. v. S. A. Scammon. Plea of nolo contendere. Fine, \$15. (F. & D. No. 3166. I. S. No. 19921-c.)

On March 19, 1912, the United States Attorney for the District of New Hampshire acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against S. A. Scammon, Temple, N. H., alleging shipment by said defendant, in violation of the Food and Drugs Act, on June 8, 1911, from the State of New Hampshire into the State of Massachusetts, of a quantity of lithia water which was misbranded. The product was labeled: "Pack Monadnock Lithia Spring Water, the most wonderful natural Lithia Spring water now known in the world as the analysis of Prof. Thomas Heys given below will show: Bi Carbonate of Lithium 15.408 Bi Carbonate of Soda 5.262 Bi Carbonate of Iron .304 Carbonate of Lime .770 Carbonate of Magnesia .294 Sulphate of Potassium .511 Chloride of Potassium .180 Chloride of Sodium .340 Bromide of Sodium traces Silica and Aluminum .980 Free and combined Ammonia .008 24.057 recommended for Gout, Dyspepsia, Rheumatism, Eczema, Sugar Diabetes, Bright's Disease, Gall Stones; also reduces temperature in all fevers; and all diseases of the kidneys, asthma, etc. as beautifier of the complexion it has no equal. Directions: To receive the most benefit it should be used freely, can be used warm with equally good results."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Total solids at 110° C. (mg per liter), 62; total solids at 180° C. (mg per liter), 60; no weighable amount of lithium found in 2,000 cc; spectroscopic test shows less than 0.01 mg per liter of lithium. Label claims 22.61 mg per liter of lithium. Sanitary analysis: Free ammonia, less than 0.001 mg per liter; albuminoid ammonia (mg per liter) 0.004; nitrogen as nitrites, none; nitrogen as nitrates (mg per liter), 0.02; chlorine (mg per liter), 4.00. Misbranding of the product was alleged in the information for the reason that it was labeled as set forth above, which statement set forth and published on the label was not true, in that the product or contents of said package, bottle, or receptacle, to wit, said so-called lithia water, did not contain enough lithium to warrant it to be classified as a lithia water and did contain only an unweighable spectroscopic trace of lithium. Misbranding was alleged for the further reason that the label aforesaid was false and misleading, the package being labeled "Bi Carbonate of Lithium 15.408 grains per Imperial Gallon," indicating that it contained 22.61 milligrams per liter of lithium, when in fact only an unweighable spectroscopic trace of lithium was present.

On May 1, 1913, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$15.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 3, 1914.*